

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 12-cv-0169-WJM-MEH

ROY ALBERT KAHN,

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

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**ORDER ADOPTING OCTOBER 18, 2012 RECOMMENDATION OF MAGISTRATE  
JUDGE AND DISMISSING CASE FOR FAILURE TO PROSECUTE**

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This matter is before the Court on the October 18, 2012 Recommendation of United States Magistrate Judge Michael J. Watanabe (the "Recommendation") (ECF No. 49) that this action be dismissed with prejudice for failure to prosecute. The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. (ECF No. 40, at pp. 3-4.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been filed by either party.

The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.”); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991)

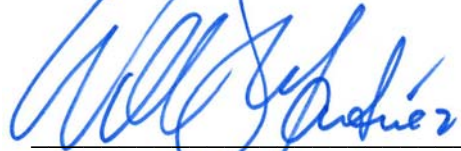
(“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”).

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge’s Recommendation (ECF No. 49) is ADOPTED in its entirety;
- (2) This action is hereby DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute; and
- (3) The Clerk shall close the case.

Dated this 20<sup>th</sup> day of November, 2012.

BY THE COURT:



William J. Martínez  
United States District Judge